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## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

DEC 21 2015

David J. Bradley, Clerk of Court

United States of America  
v.

John Christopher Ferguson

Case No.

H15-1733M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 2009, March 2015, July 2015 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:

Code Section	Offense Description
Title 18 USC 2251(a)&(e)	Production of child pornography
Title 18 USC 2252A(b)(2)	Access with intent to view child pornography
Title 18 USC 2252A(a)(2)	Receipt of child pornography
Title 18 USC 2252A(a)(5)(B)	Possession of child pornography

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Robert J. Guerra, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 12-21-15City and state: Houston, Texas

Judge's signature

Nancy Johnson  
Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Robert J. Guerra, being duly sworn, depose and state:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the Special Agent in Charge (SAC), in Houston, Texas. I have been so employed since November 2005. As part of my daily duties as an FBI agent, I am assigned to the FBI Houston Child Exploitation Task Force which, among other things, investigates criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252A and 2252A et seq. I have received training in the area of child pornography and child exploitation. I have had the opportunity to observe and review numerous examples of child pornography in all forms of media including computer media. Child Pornography, as defined in 18 U.S.C. § 2256, is:

“any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.” For conduct occurring after April 30, 2003, the definition also includes “(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct.”

2. This Affidavit is made in support of a criminal complaint charging John Christopher FERGUSON with violating 18 U.S.C. § 2252A(a)(2) & (a)(5)(B) (receipt and possession of child pornography), 18 U.S.C. § 2252A(b)(2) (knowing access, conspiracy to access, or attempted access with intent to view child pornography) and lastly, 18 U.S.C. § 2251(a) &(e) and Section 2 (Production of child pornography).

3. I am familiar with the information contained in this Affidavit based upon the investigation I have personally conducted and my conversations with other law enforcement officers involved in this investigation, or who have engaged in numerous investigations involving child pornography.
4. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation, I have set forth only those facts that I believe are necessary to establish probable cause that evidence of a violation of 18 U.S.C. § 2252A(a)(2) & (a)(5)(B) (receipt and possession of child pornography) on or about July 7, 2015, 18 U.S.C. § 2252A(b)(2) (knowing access, conspiracy to access, or attempted access with intent to view child pornography) on or about March 1, 2015 and lastly, 18 U.S.C. § 2251(a) & (e) and Section 2 (Production of child pornography) on or about January 1, 2009 has been committed by John Christopher FERGUSON. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.
5. Through an investigation conducted by SA Guerra, the Houston FBI Child Exploitation Task Force executed a search warrant issued by United States Magistrate Frances H. Stacy at the residence of John Christopher FERGUSON located in Houston, Texas, on July 7, 2015. The search warrant was obtained based on information that led investigators to believe that FERGUSON was accessing files from a website known to contain child pornography. On March 5, 2015, FERGUSON accessed a file containing several images of nude prepubescent females. Some of the images depicted prepubescent females inserting sexual devices into their vagina. On March 1, 2015, FERGUSON also accessed a file that contained several images of other nude prepubescent females. The images depicted prepubescent females being penetrated both orally and vaginally by an adult male's penis. According to data obtained from logs from the website, FERGUSON accessed over

200 image files of child pornography. During the execution of the federal search warrant, SA Robert J. Guerra and SA Michael Whitmire interviewed FERGUSON.


6. After being advised of his Miranda warnings and agreeing to speak to law enforcement officials, FERGUSON admitted he had downloaded and viewed child pornography from the internet. FERGUSON stated that law enforcement officers would, in fact, find child pornography on several items in the residence to include, a laptop computer, a desktop computer and an external hard drive located next to his bed. FERGUSON stated that agents would find “a lot” of child pornography since he had been viewing and collecting child pornography for approximately 20 years.
7. Following the execution of the search warrant, SA Guerra completed a review of the items seized pursuant to the search warrant. SA Guerra found approximately 1,061 videos and 13,157 images of child pornography on the items indicated by FERGUSON. SA Guerra believes, based on his training and experience, that the images and videos possessed by FERGUSON are child pornography as defined in Title 18, United States Code, Section 2256.
8. After the completion of a thorough examination of the items seized, SA Guerra sent the images and videos of child pornography to the Nation Center for Missing and Exploited Children (NCMEC) for analysis. On December 18, 2015, SA Guerra was contacted by NCMEC in regards to the child pornography in relation to the FERGUSON investigation. NCMEC identified three videos of child pornography that were potentially produced by John Christopher FERGUSON. Below is a description of the three videos identified by NCMEC:
  - a.) **P1020180.MOV**- This is a video file that is 3 minutes and 5 seconds in length depicting an underage female, who appears to be under the age of 5 lying down on a heavily stained beige carpet. The child is naked from the waist down and can be seen being digitally penetrated by an adult male’s finger. The child can also be seen inserting a blue and yellow toothbrush into her vagina. During the video, the adult male can be seen inserting the same toothbrush into the child’s vagina.

- b.) **P1020179.MOV**- This is a video file that is 1 second in length depicting the same underage child, naked from the waist down, engaged in a lewd and lascivious pose exposing her genitals.
- c.) **P1020176.MOV**- This is a video files that is 1 minute and 18 seconds in length depicting the same underage female. The child is naked from the waist down sitting on what appears to be a bathroom counter while inserting the same blue and yellow toothbrush into her vagina. An adult male can be seen using a toothbrush and his fingers to penetrate the child's vagina.

9. In one of the videos a brown prescription bottle with a white label can be seen in the background. Red text with what appears to read "Walgreens" can be seen on the bottom left corner of the label in addition to partially visible black text. A yellow highlighted portion of the label reads "06668". SA Guerra contacted Walgreens and confirmed the highlighted portion of the label represents the specific store number where the prescription was picked up by the customer. SA Guerra was able to confirm the store "06668" was located at 9450 Hammerly Boulevard, Houston, Texas 77080, which is approximately 0.4 miles away from the residence where FERGUSON resides and where agents executed a federal search warrant in regards to child pornography.
10. Through further analysis completed by NCMEC, a name, a possible prescription number and the type of medication was identified on the label of the prescription bottle. SA Guerra contacted Walgreens and was able to confirm the name, prescription number and medication on the prescription bottle seen on the child pornography video matched the name of a child, who has been identified as a relative of FERGUSON.
11. In one of the videos described above, there is a frame where the adult male can be seen from the eyes up. The adult male has dark brown hair and can be seen holding a silver digital camera. Based on previous contact with FERGUSON and based off of the physical features of the adult male pictured, SA Guerra believes the adult male depicted in the child pornography video is in fact John Christopher FERGUSON. SA Guerra also reviewed the photos the search team took throughout the

residence before and after the commencement of the federal search warrant executed in July 2015. The stained beige carpet where the underage female being sexually assaulted was lying down on, matches the stained beige carpet of the bathroom attached to the bedroom that FERGUSON resided in. SA Guerra also believes that the bathroom counter the underage female was sitting on while being sexually assaulted in the child pornography video, matches the counter photographed by the search team on the day of the execution of the federal search warrant.

12. Based upon the information delineated above, I believe that probable cause exists for the issuance of a Criminal Complaint charging John Christopher FERGUSON with a violation of 18 U.S.C. § 2252A(a)(2) & (a)(5)(B) (receipt and possession of child pornography), 18 U.S.C. § 2252A(b)(2) (knowing access, conspiracy to access, or attempted access with intent to view child pornography) and lastly, 18 U.S.C. § 2251(a) & (e) and Section 2 (Production of child pornography).



Robert J. Guerra  
Special Agent, FBI

Subscribed and sworn before me this 21<sup>st</sup> of December 2015, and I find probable cause.

  
Nancy K. Johnson  
United States Magistrate Judge